

PANSEGROUW v. PANSEGROUW.

1910. June 23. MAASDORP, C.J., and FAWKES and
WARD, JJ.

Husband and wife.—Marriage.—Nullity.—Previous stuprum of wife.

A decree of nullity of marriage was granted on proof of wife's *stuprum* before marriage, of birth of a fully developed child less than seven months after marriage, and of admission by wife that the child was not her husband's.

This was an action brought for a decree of nullity of a marriage between the plaintiff and defendant. It appeared from the evidence that the parties were married on the 6th September, 1909, and that the defendant was a widow, whose husband had died about four years previously. On the 29th March, 1910, the defendant gave birth to a fully developed child. The plaintiff continued to live with the defendant for a month after the child's birth, the defendant having persuaded him that the child was his, and had been conceived during marriage. On the 29th April the defendant confessed *stuprum* prior to the marriage with the plaintiff, and stated that the child was not plaintiff's. After that date the plaintiff ceased to live with defendant. Plaintiff stated in evidence that he had not had connection with defendant prior to his marriage with her.

Blaine, K.C., for the plaintiff.

The defendant was in default.

A decree of nullity was granted with costs.

Plaintiff's Attorney: *G. A. Hill*.
